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UNITED STATES OF AMERICA,	)	
Complainant,	)	8 U.S.C. § 1324a Proceeding
	)	
v.	)	OCAHO Case No. 97A00148
	)	
WESTHEIMER WASH CORPORATION	)	Judge Robert L. Barton, Jr.
D/B/A BUBBLES CAR WASH,	)	
Respondent.	)	
	)	

Pursuant to my Order Granting Complainant's Motion for Extension of Time to File Witness and Exhibit Lists, issued December 22, 1997, both parties were given a deadline of December 30, 1997, in which to file their respective preliminary exhibit and witness lists. Respondent, however, did not file its exhibit and witness lists until January 6, 1998.<sup>1</sup>

Given the fact that Complainant does not object to Respondent's request, and the relatively short delay in filing the required lists, I accept Respondent's preliminary exhibit and witness lists for filing. I note, however, that Respondent did not request an extension of time until the given deadline already had passed. In the future, any request for a deadline extension must be filed no later than the date of the original deadline. See First Prehearing Order (FPO) issued on September 23, 1997.

<sup>1</sup> “File” means that the document must be received in my office by the given date, not that it just must be postmarked by that date. See 28 C.F.R. § 68.8(b) (1997). Respondent’s filing reveals that it was not signed and dated until January 5, 1998.

Additionally, counsel should consult with opposing counsel prior to filing a motion to extend time to see if opposing counsel objects to the request. A party filing such a motion should state in its motion whether opposing counsel objects to the extension of the deadline. See FPO. In the event that counsel is unable to reach the opposing side after engaging in reasonable efforts to do so, he should state that in the motion, and indicate what measures he took to try to communicate with opposing counsel. If Respondent needs to request an extension of time in the future, it will be expected to comply with the above requirements, as outlined in the FPO. If it fails to comply, the request for an extension may be denied.

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**ROBERT L. BARTON, JR.**  
**ADMINISTRATIVE LAW JUDGE**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of February, 1998, I have served the foregoing Order Granting Respondent's Motion for Leave to File Witness and Exhibit Lists Out of Time on the following persons at the addresses shown, by first class mail, unless otherwise noted:

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(Hand Delivered)

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